

COMMON AMENITIES BOARD

A LAW TO PROVIDE FOR THE ESTABLISHMENT OF A PUBLIC AUTHORITY KNOWN AS THE COMMON AMENITIES BOARD FOR THE CONTROL, MANAGEMENT, MAINTENANCE AND ADMINISTRATION OF THE COMMON AMENITIES AND COMMON ELEMENTS OF UNITS OF ACCOMMODATION AND FOR THE PROVISION OF COMMON AMENITIES THERETO, AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

Law Nos,

10 of 1973

[20th March
, 1973]

- Short title. **1.** This Law may be cited as the Common Amenities Board Law.
- Common Amenities Board. **2.** There shall be established a public authority which shall be called the Common Amenities Board (hereinafter referred to as “the Board “), and which shall consist of the persons who are for the time being members of the Board under section 8.
- Board to be a body corporate. **3.** The Board shall by the name assigned to it by section 2 be a body corporate and shall have perpetual succession and a common seal and may sue and be sued in such name.
- Application of Law. **4.**

(1) Where-

(a) the owner or owners of not less than seventy-five per centum of the number of such residential units or non-residential units as are provided with one or more common amenities or common elements make a request in writing to the Board to the effect that the provisions of this Law should apply to such units; or

(b) the Board is ex mero motu of opinion-

(i) that the control, administration, maintenance or management of the common amenities or common elements of one or more of such units is unsatisfactory; or

(ii) that additional common amenities should be provided to such units, the Board may exercise in relation to the aforesaid units the powers vested in the Board under this Law. The units in relation to which the Board exercises such powers are hereinafter referred to as ” the relevant units “:

Provided, however, that, where the aforesaid units belong to a Government Department, local authority or public corporation, the Board -shall not exercise such powers except at the request of the Government Department, local authority, or public corporation, as the case may be.

(2) Before the Board exercises the powers referred to in

subsection (1), its intention to do so together with the reasons therefor shall be communicated to the party making the request, if any, and to the owner of every unit likely to be affected by such exercise.

(3) An owner of a unit may appeal, in writing, against the intention of the Board to exercise in relation to his unit the powers referred to in subsection (1). to the Minister within fourteen days of the receipt by him of the communication under subsection (2) of this section, stating the grounds for such appeal.

(4) The exercise by the Board of the powers referred to in subsection (1), or in the event of an appeal, the decision of the Minister, shall not be questioned in any court or tribunal.

Objects of the Board. **5.** The objects of the Board shall be-

(a) to control, manage, maintain and administer the common amenities and the common elements of the relevant units,

(b) to insure and keep insured, if so requested by owners, all buildings comprising such units against risk of fire, civil commotion and riots;

(c) to keep in a state of good and serviceable repair and properly maintained the common amenities and the common elements of such units;

(d) to provide and maintain in respect of such units services including water, sewerage, drainage, gas, electricity, garbage disposal, air-conditioning, telephone, radio and television, services;

(e) to establish and maintain facilities such as roads, accesses, lawns, gardens- parks, playgrounds and other open spaces for use by occupants of such units ;

(f) to provide common services for the benefit and the welfare of occupants of such units;

(g) to promote undertakings for the carrying out of the aforesaid objects by public, co-operative or private sector agencies or persons;

(h) to transfer to local authorities, after consultation with them, or to bodies or associations of owners of units, when appropriate, the maintenance of any common amenities or common elements maintained by the Board;

(i) to provide maintenance and repair services to such units at the request of owners or occupiers thereof, and

(j) to carry out any object reasonably connected with or ancillary to any of the aforesaid objects.

Powers of Board.

6. For the purposes of carrying out its objects the Board shall have and may exercise all or any of the following powers:

(a) to acquire or to receive by way of gift or otherwise any immovable or movable property and to hold, manage, sell, surrender, exchange, lease or otherwise dispose of such property;

(b) to borrow money from financial institutions or other sources;

or

- (c) to charge rent for any land buildings let by the Board ;
- (d) to levy charges for any services rendered by the Board in carrying out the objects of the Board ;
- (e) to recover any premia from owners in proportion to their interests in the units;
- (f) to recover from any person including an owner expenses incurred in making good any damage caused by him to the common amenities or common elements of the units;
- (g) to provide to any unit any services including its repair and maintenance at the request of the owner or occupier of the unit and levy charges therefor;
- (h) to enter, either by itself or by its duly authorized agents, at all reasonable times, any unit for the purpose of inspecting, repairing, or renewing pipes, wires, cables and ducts which also serve other units or the common elements of the units or for the purpose of maintaining, renewing or repairing the common amenities and the common elements of the units or for the purpose of ensuring that any relevant statutory requirements are being observed, or in the exercise of any of the powers referred to in this section or in section 4(1);
- (i) to enter into such contracts and to make such arrangements as are reasonably necessary for the purpose of carrying out any of the objects of the Board ;
- (j) to employ such officers and servants as may be necessary to carry out the work of the Board ;
- (k) to make rules for the administration of the affairs of the Board , and
- (l) to do all things which, in the opinion of the Board, are necessary to facilitate the proper carrying out of its objects.

Board may transfer the control, maintenance, &c, of common amenities and common elements to owners of units.
Constitution. **8.**

7. The Board may, on application made by the owner or owners of all the units of any group of relevant units, and if satisfied that such owner or owners are capable of properly controlling, maintaining, managing and administering the common amenities or common elements of such units, divest itself of its powers under this Law in relation to such units and transfer to such owner or owners or to any association or body of such owners, the control, maintenance, management and administration of such common amenities or common elements.

(1) The Board shall consist of-

(a) the persons for the time being performing the duties of the following offices:-

- (i) the Commissioner for National Housing,
- (ii) the General Manager, Ceylon Electricity Board,

- (iii) the Director of Water Supply and Drainage,
- (iv) the Commissioner of Local Government,
- (v) the Chief Engineer, Water Supply and Sewerage, of the Department of Buildings,
- (vi) the Municipal Commissioner, Colombo,
- (vii) the General Manager of the Board appointed by the Minister ; and

(b) two other persons appointed by the Minister (hereinafter referred to as "unofficial members").

(2) The Minister shall appoint the Chairman and the Vice-Chairman of the Board from among the members of the Board.

(3) A person shall be disqualified for being appointed or for continuing as an unofficial member of the Board if he is, or becomes, a Member of Parliament.

(4) The Minister may, if he thinks it expedient to do so, remove by Order published in the Gazette, any unofficial member of the Board from office without reason stated.

(5) An unofficial member of the Board may at any time resign his office by letter addressed to the Minister.

(6) If any unofficial member of the Board is temporarily unable to discharge the duties of his office on account of ill health or absence from Sri Lanka or for any other cause, the Minister may appoint some other person to act in his place.

(7) Every unofficial member of the Board shall, unless he vacates office by death, resignation or removal, hold office for a period of three years.

(8) No act or proceeding of the Board shall be deemed invalid by reason only of the existence of any vacancy among the members thereof or any defect in the appointment of a member thereof.

(9) The quorum for any meeting of the Board shall be five.

Presidency at **9.**
meetings.

(1) The Chairman of the Board shall, if present, preside at all meetings of the Board. In the absence of (he Chairman from any such meeting, the Vice-Chairman shall preside. In the absence of the Chairman and the Vice-Chairman from any such meeting, the members present shall elect one of the members to preside at the meeting.

(2) The Chairman of any meeting of the Board shall, in addition to his own vote, have a casting vote.

Regulation of **10.** Subject to the other provisions of this Law, the members of the Board may regulate the procedure in regard to the meetings of the Board and the transaction of business at such meetings.

Officers and **11.** All officers and servants of the Board shall be deemed to be public servants of the servants within the meaning and for the purposes of the Penal Code.
Board deemed
to be public
servants.

The Board deemed to be a scheduled institution within the meaning of the Bribery Act. Seal of the Board.

12. The Board shall be deemed to be a scheduled institution within the meaning of the Bribery Act, and the provisions of that Act shall be construed accordingly.

13.

- (1) The seal of the Board shall be in the custody of the Board.
- (2) The seal of the Board may be altered in such manner as may be determined by the Board.
- (3) The application of the seal of the Board shall be authenticated by the signature of the Chairman of the Board or some other member of the Board authorized by the Board to authenticate the application of such seal.

Agent of the Board.

14.

- (1) On an application made by a Government department, local authority, public corporation, co-operative or private sector commercial undertaking or by any person, and if the Board is satisfied as to the suitability and fitness of such applicant to carry out efficiently any work that may be entrusted to it, the Board may register such applicant -as an agent of the Board.
- (2) The Board may enter into a contract with an agent registered under subsection (1) for the carrying out of any item of work falling within the Board's functions.

Disbursements by the Board and recovery of moneys due to the Board.

15.

(1) In addition to the other powers vested in the Board under this Law, the powers of the Board shall include the following: –

- (a) to incur such expenses as are in the opinion of the Board necessary for the control, maintenance, management and administration of the common amenities and common elements of the relevant units, for the payment of any premium of insurance and for the discharge of any other obligation of the Board;
- (b) to determine and raise, from time to time, moneys from the owners for the purposes mentioned in paragraph (a);
- (c) to recover from any owner of a unit any sum of money due to the Board from him for repairs effected or work executed by it or under its direction or any other expenses incurred.

(2) Where any sum of money due to the Board under paragraph (c) of subsection (1) has not been paid by any owner of a unit from whom such sum is due, the Chairman of the Board shall certify in writing the amount which is due from such owner and

shall notify such owner that such certificate has been issued, but the non-receipt of such notice by the owner of any unit shall not invalidate proceedings under this section.

(3)

(a) Upon an application made by any officer or servant of the Board for the recovery of the sum due to the Board by the production of a certificate issued by the Chairman of the Board under subsection (2) before any Primary Court within whose jurisdiction the owner resides, the Court shall direct a writ of execution to be issued to the Fiscal authorizing him and requiring him to seize and sell all or any of the property movable or immovable belonging to such owner or such part thereof as may be necessary for the recovery of that sum and the provisions of sections 226 to 297 of the Civil Procedure Code shall, mutatis mutandis, apply to the execution of such writ and to such seizure and sale.

(b) Notwithstanding anything in any other law as to the limitation of the monetary jurisdiction of a Primary Court, any such Court shall be competent to entertain any application under the preceding provisions of this subsection.

Disputes to be referred to the Board. **16**

(1) Where any dispute arises between an owner or occupier of any such residential units or non-residential units as are provided with one or more common amenities or common elements, and another such owner or occupier in respect of the use or occupation of any such unit or the enjoyment of the common amenities or common elements appurtenant thereto, such dispute shall be referred by the aggrieved person to the Board, and the Board shall, after due inquiry, make such order in respect of that dispute as may appear to the Board to be just and equitable.

(2) It shall be the duty of every party to a dispute referred to the Board under subsection (1) to abide by any order made by the Board under that subsection.

Insurance by the Board.

17. The Board shall, if so requested by the owner or owners of not less than seventy-five per centum of the number of units of any group of relevant units, insure and keep insured the buildings comprising such units against loss or damage by fire, civil commotion or riot or such other hazards as shall be prescribed and the premium or premia for such insurance shall be paid to the Board by all the owners of the units in proportion to their respective interests: Provided, however, that the right of the owner of each unit to insure his own unit for his own benefit and on his own account shall not be prejudiced by the preceding provisions of this section.

Fund of the Board.

18.

(1) The Board shall have its own

(2) All moneys received by the Board from whatever source shall be credited to the fund and all payments made by the Board shall be made therefrom.

(3) The Board shall maintain a Sinking Fund for the purpose of carrying out its objects.

Grant to the Board from the Consolidated Fund. **19.** As soon as practicable after the coming into operation of this Law, there may be granted to the Board, with the prior approval of the National State Assembly, from the Consolidated Fund such sum of money and on such terms as may be determined by the Minister in charge of the subject of Finance in consultation with the Minister.

Remuneration of members **20.** All or any of the members of the Remuneration Board may be paid out of the funds of members. the Board such remuneration or other allowances as may be determined by the Minister with the concurrence of the Minister in charge of the subject of Finance.

Application of the provisions of the public corporations(Financial control) Act. **21.** The provisions of the Public Corporations (Financial Control) Act shall, mutatis mutandis, apply to the financial control and accounts of the Board.

Financial year. **22.** The financial year of the Board shall be the calendar year.

Powers of the Minister in relation to the Board. **23.**

(1) The Minister may give to the Board in writing general or special directions as to the performance of the duties and the exercise of the powers of the Board and the Board shall give effect to such directions.

(2) The Minister may, from time to time, direct the Board in writing to furnish to him in such form as he may determine, returns, accounts and other information with respect to the property and business of the Board, and the Board shall carry out every such direction.

(3) The Minister may order all or any of the activities of the Board to be investigated and reported upon by such person or persons as he may specify and upon such order being made, the Board shall afford all such facilities and furnish all such information as may be necessary to carry out such order.

Regulations. **24.**

(1) The Minister may make regulations for the purpose of carrying out or giving effect to the principles and provisions of this Law.

(2) Every regulation made by the Minister shall be published in the Gazette and shall come into operation on the date of such publication or on such later date as may be specified in the regulation.

(3) Every regulation made by the Minister shall, as soon as convenient after its publication in the Gazette, be brought before

Parliament for approval. Any regulation which is not so approved shall be deemed to be rescinded as from the date of disapproval, but without prejudice to anything previously done thereunder.

(4) Notification of the date on which any regulation made by the Minister is so deemed to be rescinded shall be published in the Gazette.

(5) Any regulation made by the Minister shall, when approved by Parliament, be as valid and effectual as if it were herein enacted. Notification of such approval shall be published in the Gazette.

Offences and penalties. **25.**

(1) Every person who contravenes or fails to comply with any provision of this Law or any regulation made thereunder or any order or direction lawfully given under this Law shall be guilty of an offence under this Law.

(2) Every person who commits an offence under this Law shall on conviction after summary trial before a Magistrate be liable to imprisonment of either description for a period not exceeding six months or a fine not exceeding one thousand rupees or to both such imprisonment and fine and if such offence is a continuing offence to an additional fine of one hundred rupees for each day on which the offence is continued after conviction.

(3) Notwithstanding anything to the contrary in any other law, every offence under this Law shall be a cognizable offence within the meaning and for the purposes of the Code of Criminal Procedure Act.

(4) Where an offence under this Law is committed by a body of persons, whether corporate or unincorporate, every person who at the time of the commission of the offence was a director, general manager, secretary or other similar officer of such body of persons shall be deemed to be guilty of that offence unless he proves that the offence was committed without his consent or connivance and that he exercised all such diligence to prevent the commission of that offence as he ought to have exercised having regard to the nature of his functions and in all the circumstances.

This Law to prevail over other written laws. **26.** The provisions of this Law shall have effect notwithstanding anything contained in any other written law, and accordingly, in the event of any conflict or inconsistency between the provisions of this Law and such other law, the provisions of this Law shall prevail over such other law.

Interpretation, **27.** In this Law, unless the context otherwise requires-
" common amenities" means privately-owned or privately-provided amenities enjoyed in common by the owners or occupants of two or more residential units or non-residential units and includes the following privately-owned or privately-provided services and facilities:- water, sewerage, drainage, gas, electricity, garbage disposal, air-conditioning, telephone and radio, services, and roads, accesses, lawns, gardens, parks, playgrounds and other open spaces;
" common elements " means so much of the property appurtenant to the relevant units as is not comprised in any unit and includes-

- (1) the land on which the building comprising the units is located, including roads and accesses, drains and ditches, lanes, gardens, parks, playgrounds and other open spaces;
- (2) the foundations, columns, girders, beams, supports, main walls and roofs;
- (3) the halls, corridors, lobbies, stairs, stairways, fire escapes and entrances and exits of the building;
- (4) the basements, yards, gardens, parking areas, and storage spaces;
- (5) the premises for the lodging of persons in charge of the units including caretakers and watchers;
- (6) installations for central services such as electricity, telephone, radio, rediffusion, air-conditioning, garbage disposal and incineration;
- (7) the lifts, escalators, tanks, pumps, motors, fans, compressors, ducts, and in general, all apparatus and installations existing for common use;
- (8) such community and commercial amenities as may be provided; and
- (9) all other parts and facilities of the units necessary or convenient to their existence, maintenance and safety or normally in common use ;

“Condominium Property” means property comprising land with a building or buildings of more than one storey and having more than one independent unit of residential or non-residential accommodation;

” housing scheme ” means any group of houses so constructed as to be provided with one or more common amenities and certified as a housing scheme by the Commissioner for National Housing;

“local authority” includes a Municipal Council, Urban Council, Town Council or Village Council;

” prescribed ” means prescribed by regulation made under this Law;

“public corporation ” means any corporation, board or other body which was or is established by or under any written law, other than the Companies Ordinance, * with capital wholly or partly provided by the Government by way of grant, loan or other form;

” residential units ” means such residential units as are comprised in a Condominium Property or in a tenement or in a housing scheme;

” tenement” means a building consisting of two or more separate dwelling houses, each house having any of the following in common, namely, latrines, bathing places, kitchens or verandahs;

” unit” means a permanently enclosed space designed for independent use consisting of one or more rooms (other than any room or rooms designed for occupation and use by licensees) provided that such enclosed space has a direct exit to a road or a common area leading to a road, and access cannot be had through it to any other enclosed space of like description, together with such accessory units outside it as may appertain to it for exclusive use by the occupier of the unit such as garage space, storage space, toilets, servants’ quarters, balcony or terrace. * (Repealed and replaced by the Companies Act. No. 17 of 1982.)